

Attorney Docket No. 217 P 759
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/927,892 Confirmation No.: 4789
Applicants : Robert T. Stephen et al.
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Examiner : Josiah Cocks

Docket No. : 217 P 759
Customer No. : 34540

Title : SUPPORT FRAME BARBECUE GRILL ASSEMBLY

DECLARATION OF ADRIAN A. BRUNO PURSUANT TO 37 C.F.R. § 1.132

I, Adrian A. Bruno, hereby declares as follows:

1. I am a co-inventor of the present patent application, which is entitled Support Frame Barbecue Grill Assembly.
2. I am the Vice-President of Research & Development at Weber-Stephen Products Co., the assignee of the invention.
3. My formal education includes a Bachelor of Science degree in Mechanical Engineering from Bucknell University.
4. In my current position, I instruct and evaluate the work of others in the field of design and engineering for barbecue grills, and I work in studying and designing features of barbecue grill devices, including grill cart structure. Accordingly, I have a good understanding of the level of skill and knowledge possessed by those of ordinary skill in the art of barbecue grills and barbecue grill cart structure.
5. I have reviewed U.S. Patent No. 5,140,973 to Home ("Home '973"). Home '973 describes a barbecue grill cart assembly or trolley 1 with four legs 3. See Fig. 1 (below). Each leg

3 has an upper post 31 and a lower post 32, whereby the upper post 31 receives the lower post 32. See Col. 2, lns. 40-43. As shown in Fig. 3 (below), the upper post 31 has a hole 310 and the lower post 32 has a hole 320. A leaf spring 4 is located in the lower post 32 and has a protrusion 41 that extends through holes 310, 320 to keep the upper and lower posts 31, 32 from separating, absent a user pushing the protrusion 41 inward. (Home '973 Patent at Col. 2, lns. 43-50).

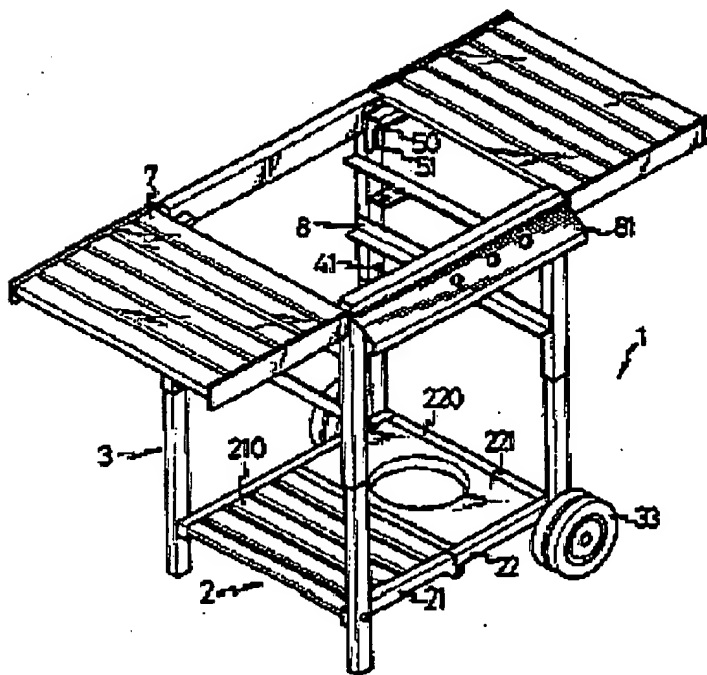


FIG. 1

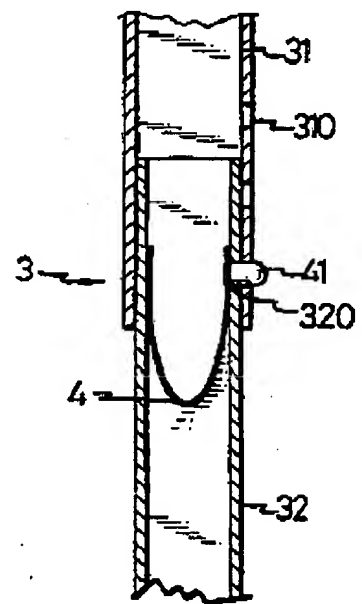


FIG. 3

6. The height of the trolley 1 in the Home '973 may be altered by retracting the protrusion 41 from the holes 310, 320 and sliding the upper post 31 along the lower post 32. Col.2, lns. 50-52. As one of ordinary of ordinary skill in the art, it is my opinion that the interaction


between the protrusion 41 and the holes 310, 320 maintains the positioning of the upper and lower posts 31,32 and thereby the height of the trolley 1.

7. As one skilled in the art, I observe that the lower post 32 is not biased into contact with the inner surface of the upper post 31. It is my understanding that the upper and lower posts 31, 32 are tubular support members that are not configured for biasing against one another.

8. Furthermore, as one familiar with the understanding of a designer or an engineer with ordinary skill in the art of barbecue grill cart design, such a person would not interpret Home '973 to describe or suggest the biasing of the lower post 32 into contact with the inner surface of the upper post 31.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/9/03

By 
Adrian A. Bruno
Vice-President of Research & Development
Weber-Stephen Products Co.